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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,145	06/21/2001	Hiroshi Tanada	MITS:029	5697

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EXAMINER

NGUYEN, CAM N

ART UNIT PAPER NUMBER

1754

DATE MAILED: 04/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

A29

Office Action SummaryApplication No.
09/886,145Applicant(s)
Tanada et al.Examiner
Cam NguyenArt Unit
1754**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/16/03 (an amendment/response)
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 22, and 23 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7-16, and 24 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 21, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1 Applicants' remarks and amendments, filed on 1/16/03, have been carefully considered. Claims 1-3, 6, 9, 11-16, & 19-27 have been amended.

Claims 1-27 remain pending in this application.

Claim Objections

2. Claims 3, 11-16, & 22 are objected to because of the following informalities:

- A. In claim 3, line 5, "non-transitional" should be changed to --non-transition--.
- B. In claim 11, line 4, "being" should be changed to --is--.
- C. In claim 12, line 4, "being" should be changed to --is--.
- D. In claim 13, line 4, "being" should be changed to --is--.
- E. In claim 14, line 4, "being" should be changed to --is--.
- F. In claim 15, line 7, "being" should be changed to --is--.
- G. In claim 16, line 5, "non-transitional" should be changed to --non-transition--.
- H. In claim 22, line 8, "another" should be changed to --the other--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102(b)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurokawa et al., "hereinafter Kurokawa", (US Pat. 6,066,587).

Kurokawa discloses a catalyst for purifying exhaust gas containing two catalyst coating layers on a carrier, comprising: a base catalyst coating layer directly disposed on a carrier, said base catalyst coating layer containing at least platinum (Pt) and at least one alkaline earth metal or alkaline metal; and an over catalyst coating layer disposed over said base catalyst coating layer, said over catalyst coating layer containing zeolite and a noble metal (see col. 12, claim 1).

Applicants claiming an exhaust gas purifying catalyst comprising a carrier; an NO_x absorbent catalyst layer; and a noble metal containing catalyst layer; wherein at least one absorbent agent selected from a group consisting of alkali metals and alkaline earth metals is contained in said NO_x catalyst layer; and wherein an effect inhibiting material for inhibiting an effect of said absorbent agent on said noble-metal containing catalyst layer is contained in at least one of said NO_x absorbent catalyst layer and said noble-metal containing catalyst layer.

The claims are met by the teaching of the reference since Kurokawa teaches zeolite contains in the over catalyst coating layer containing noble metal (which zeolite can be the claimed effect inhibiting material).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa et al., "hereinafter Kurokawa", (US Pat. 6,066,587).

Kurokawa discloses an exhaust gas purifying catalyst as described above, except for the following difference.

While Kurokawa does not disclose a process for preparing the above exhaust gas purifying catalyst, it is considered *prima facie obvious* to one of ordinary skill in the art that the catalyst disclosed is prepared in the same manner as in applicants' claimed process in view of the same catalyst layers, the catalytic metals, and the components disclosed in the reference.

Allowable Subject Matter

7. Claims 2-5, 7-14, & 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As concern with claims 2-5 & 7-14, the prior art does not disclose or fairly suggest an exhaust gas purifying catalyst requiring that the effect inhibiting material is contained in the NOx absorbent catalyst layer, and inhibits movement of said absorbent agent to the noble-metal containing catalyst layer (as specified in claim 2).

As concern with claim 24, the prior art does not disclose or fairly suggest a method of manufacturing an exhaust gas purifying catalyst requiring the second layer is the NOx absorbent catalyst layer and the first catalyst layer is the noble-metal containing catalyst layer.

8. Claims 15-21 & 25-27 are allowable for the following reasons:

As concern with claims 15-21, the prior art does not disclose or fairly suggest an exhaust gas purifying catalyst requiring an effect inhibiting layer containing an effect inhibiting material for inhibiting movement of the absorbent agent to the noble-metal containing catalyst layer, said effect inhibiting layer is formed between the NOx absorbent catalyst layer and the noble-metal containing catalyst layer (as specified in claim 15).

As concern with claims 25-27, the prior art does not disclose or fairly suggest a method for manufacturing an exhaust gas purifying catalyst requiring forming an inhibiting layer over the first catalyst layer and forming a second catalyst layer over the first catalyst layer (as specified in claim 25).

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Response to Arguments

9. Applicants' amendment/response, filed on 1/16/03, has been considered, but not deemed persuasive in view of the new ground of rejections above.

An Examiners' Amendment was faxed to attorney on April 3, 2003 requesting attorney to authorize the proposed changes in the claims. However, the proposed Examiner's Amendment was not authorized by attorney. Therefore, the changes as proposed was not entered. Upon carefully reviewed of the claims, it appears that the rejection over the Kurokawa reference (US Pat. 6,066,587) applies to some of the claims. See rejections above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

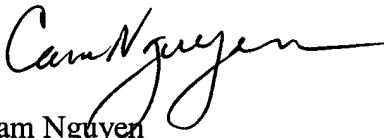
11. Claims 1-27 are pending in the application. Claims 1, 6, 22, & 23 are rejected. Claims 2-5, 7-16, & 24 are objected. Claims 15-21 & 25-27 are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn *cnn*
April 3, 2003


Cam Nguyen
Patent Examiner